

1 JERRY S. BUSBY  
2 Nevada Bar #001107  
3 GREGORY A. KRAEMER  
4 Nevada Bar #010911  
5 COOPER LEVENSON, P.A.  
6 3016 West Charleston Boulevard - #195  
7 Las Vegas, Nevada 89102  
(702) 366-1125  
FAX: (702) 366-1857  
[jbusby@cooperlevenson.com](mailto:jbusby@cooperlevenson.com)

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7 Attorneys for Defendant  
8 SMITH'S FOOD & DRUG CENTERS, INC.

9  
10 **UNITED STATES DISTRICT COURT**  
11  
12 **DISTRICT OF NEVADA**

13 BONITA ANN LEEK, an individual,

14 Case No. 2:23-cv-00095-APG-BNW

15 Plaintiff,

16 vs.

17 SMITH'S FOOD & DRUG CENTERS, INC.  
18 d/b/a SMITH'S, a foreign corporation; DOE  
19 SMITH'S EMPLOYEES I through X; DOE  
20 JANITORS 1-10; DOE MAINTAINERS 1-10;  
21 DOES I through X, inclusive; ROE  
22 JANITORIAL SERVICES 1-10; and ROE  
23 CORPORATIONS I through X, inclusive,

24  
25 **STIPULATION TO EXTEND**  
**DISCOVERY DEADLINES**

26 **(FIRST REQUEST)**

27 Defendants.

28 The current Initial-Expert Disclosure deadline in this case is August 17, 2023.<sup>1</sup> Both parties  
19 recognize that at least 90 additional days is needed for experts in this case. This is not spinal injury  
20 case; instead, Plaintiff's medical treatment is complex in that she was hospitalized multiple times  
21 due to a possible allergic reaction she had to a drug she was taking following surgery to her right  
22 elbow. Because Plaintiff was hospitalized at multiple places for several days at a time, the medical  
23 records in this case are voluminous. Given the complexity of the injuries alleged and the volume of  
24 medical records that must be reviewed, the demands of this case require additional time. The parties  
25 will take full advantage of this extension to conduct the discovery needed to get this case ready for  
26 trial.

27  
28 <sup>1</sup> Scheduling Order at p. 2:19-22.

1 IT IS HEREBY STIPULATED by and between GENEVIEVE ROMAND, ESQ. of  
2 HENNESS & HAIGHT, as counsel for Plaintiff, BONITA ANN LEEK., and GREGORY A.  
3 KRAEMER, ESQ., of the law firm COOPER LEVENSON, P.A., as counsel for Defendant  
4 SMITH'S FOOD & DRUG CENTERS, INC that all discovery deadlines be extended by 90 days, as  
5 set forth below, to allow the parties to complete discovery prior to trial.

6 **STATEMENT SPECIFYING THE DISCOVERY THAT HAS BEEN COMPLETED.**

- 7 1. The parties participated in the Fed. R. Civ. P. 26(f) Conference;
- 8 2. Both parties have made their disclosures pursuant to Fed. R. Civ. P. 26.1(a)(1).
- 9 3. Defendant is still in the process of collecting all of Plaintiff's medical records.
- 10 4. Defendant served Interrogatories, Request for Production and Request for Admissions to  
11 Plaintiff.
- 12 5. Plaintiff served and Responded to Interrogatories, Request for Production and Request for  
13 Admissions.

14 **A. SPECIFIC DESCRIPTION OF THE DISCOVERY THAT REMAINS TO BE**  
15 **COMPLETED.**

- 16 1. Defendant to collect Plaintiff's medical records.
- 17 2. Plaintiff will take the deposition of employee witnesses for SMITH'S.
- 18 3. Defendant will take Plaintiff's deposition, and the deposition of her daughter.
- 19 4. Continue to deliver records to retained experts, potentially retain additional experts; and  
20 designate expert witnesses.
- 21 5. Depositions of expert witnesses.

22 **B. REASONS WHY THE DISCOVERY REMAINING WAS NOT COMPLETED**  
23 **WITHIN THE DEADLINES CONTAINED IN THE DISCOVERY SCHEDULING**  
24 **ORDER**

25 Plaintiff fractured her right shoulder and right elbow. She was hospitalized multiple times for  
26 a possible allergic reaction she had to a drug she took after the surgery to address her right elbow. At  
27 this time Plaintiff has \$503,954.48 in medical expenses. The amount of the medical records from the  
28 surgery and hospitalizations is extreme. Defense counsel has two full Banker's Boxes for the

1 records. The expert witnesses need more time to sift through the records in preparation for their  
2 reports.

3 **C. PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING DISCOVERY**

4 As a result of the above, it is requested that the discovery deadlines in this case be continued 90  
5 days from their present deadlines.

6 **1. Discovery Cut-Off Date:** The parties jointly propose that the discovery cut-off date be  
7 extended 91 days from its present deadline of October 16, 2023, to **January 15, 2024**.

8 **2. Amending the Pleadings and Adding Parties:** The parties jointly propose that the  
9 deadline to amend the pleadings be extended 90 days from its present deadline of July 18, 2023, to  
10 **October 16, 2023**.

11 **3. Fed. R. Civ. P. 2(a)(2) Disclosures (Experts):** The parties jointly propose that the initial  
12 expert disclosure deadline be extended 90 days from its present deadline of August 17, 2023 to  
13 **November 15, 2023**; rebuttal expert disclosure be extended 90 days from its present deadline of  
14 September 18, 2023 to **December 14, 2023**.

15 **4. Dispositive Motions:** In the event that the discovery period is extended from the  
16 discovery cut-off date set forth in the proposed Discovery Plan and Scheduling Order, the date for filing  
17 dispositive motions shall be extended 90 days from its present deadline of November 15, 2023 to  
18 **February 12, 2024**.

19 **5. Pretrial Order:** The date for filing the joint pretrial order, which is currently set for  
20 December 15, 2023 be extended 90 days to **March 13, 2024**. In the event that dispositive motions are  
21 filed, the date for filing the joint pretrial order shall be suspended until 30 days after decision on the  
22 dispositive motions or until further order of the court. In the further event that the discovery period is  
23 extended from the discovery cut-off date set forth in the Discovery Plan and Scheduling Order, the date  
24 for filing the joint pretrial order shall be extended in accordance with the time periods set forth in this  
25 paragraph.

26 **6. Fed. R. Civ. P. 26(a)(3) Disclosures:** The disclosures required by Fed. R. Civ. P.  
27 26(a)(3), and any objections thereto, shall be included in the joint pretrial order.

28 / / /

1           **7. Alternative Dispute Resolution:** Counsel for the parties certify that they met and  
2 conferred about the possibility of using alternative dispute resolution including mediation, arbitration,  
3 and/or an early neutral evaluation. The parties have not scheduled any such ADR forum at this point, but  
4 agree to reconsider following the disclosure of expert witness reports and after the close of discovery.

5           **8. Alternative Forms of Case Disposition:** The parties certify that they discussed  
6 consenting to trial by a magistrate judge or engaging in the Short Trial Program under Fed. R. Civ. P. 73  
7 and at present do not consent to either alternative form of case disposition.

8           **9. Electronic Evidence:** The parties certify that they have discussed and intend to use  
9 electronic evidence at the trial of this matter and will ensure that said evidence is in an electronic format  
10 compatible with the Court's electronic jury evidence display system. At present, the parties have not  
11 agreed upon any stipulations regarding the use of electronic evidence but will address this issue again in  
12 the Pre Trial Order.

13           **10. Extensions or Modifications of the Discovery Plan and Scheduling Order:** Any  
14 stipulation or motion must be made no later than 21 days before the subject deadline. Requests to  
15 extend discovery deadlines must comply fully with LR 26-3.

16           DATED this 19th day of June, 2023.

17           HENNESS & HAIGHT

COOPER LEVISON, P.A.

18           */s/ Genevieve Romand*  
19           \_\_\_\_\_  
20           GENEVIEVE ROMAND, ESQ.  
21           Nevada Bar No. 013235  
22           8972 Spanish Ridge Avenue  
23           Las Vegas, NV 89148  
24           (702) 862-8200  
25           Attorneys for Plaintiff  
26           BONITA LEEK

18           */s/ Gregory A. Kraemer*  
19           \_\_\_\_\_  
20           JERRY S. BUSBY, ESQ.  
21           Nevada Bar No. 001107  
22           GREGORY A. KRAEMER, ESQ.  
23           Nevada Bar No. 010911  
24           3016 West Charleston Boulevard - #195  
25           Las Vegas, Nevada 89102  
26           (702) 366-1125  
27           Attorneys for Defendant  
28           SMITH'S FOOD & DRUG CENTERS, INC.

25           **IT IS SO ORDERED** that the discovery deadlines are hereby extended as stated above.

26             
27           \_\_\_\_\_  
28           UNITED STATES MAGISTRATE JUDGE  
                  DATED: June 20, 2023